



11/9/05

BUDGETS

HB 4307 (Hummel)

State Police supplemental budget

\$1.0 million for restoration of funding to continue operations of posts in Groveland Township, Grand Haven, and Iron River. Also, eliminates language that prohibits expenditure of funds to operate the posts in Groveland Township, Grand Haven, and Iron River. \$3.7 million to provide funds for local units of government with state-owned property within their jurisdictions for fire protection services. \$1.9 million for restoration of funding. For justice training grants. \$1.2 million for restoration of funding for fire investigations. \$1 million for reimbursement to counties for security and police services for the 2006 Super Bowl and the 2005 Major League All-Star game in Detroit.

- HB 4307 was discharged from committee.
- Garcia 1 (1 amend) was withdrawn. Legislative intent language: Road funding for road in Livingston county. This funding was vetoed by the Governor in an earlier budget.
- Garcia 2 (2 amends) was withdrawn.
- HB 4307 was moved to 3rd Reading.
- HB 4307 passed with IE [RC 573: 38 yes, 0 no].

PAYDAY LENDING

HB 4834 (MCCONICO)

HB 4834: 1) Requires that all payday lenders be licensed by the Office of Financial and Insurance Services (OFIS). 2) Sets a procedure for licensing and allows OFIS to collect fees to fund the regulation. 3) Requires a payday lender to have a written agreement as evidence of the transaction. 4) Prohibits payday lenders from entering into more than one transaction with a customer or any customer who has more than one outstanding debt to any payday lender (as verified by an OFIS database). 5) Limits a single transaction to \$600. It allows the payday lender to charge a service fee on a sliding scale.

Support: Teamsters, Michigan Financial Services Centers Association, Check 'n' Go, Approved Cash Advance -- HB 4834 would put a currently unregulated industry under the regulation of OFIS for the first time. It would also provide necessary consumer protections, and insure that consumers did not use the service to solve long-term financial problems.

Oppose: Detroit Branch NAACP, Community Financial Services Association, Instant Cash -- HB 4834 still provides fees that if considered interest have APR's that are quite a bit larger than allowed under current law. Some locally owned payday lenders argue that the fee structure is so small that local businesses will not be able to compete with national chains.

- The Senate adopted the Conference Report to HB 4834 [RC 574: 34 yes, 4 no].

FINAL PASSAGE

SJR E (Stamas) **SB 693 (Brown)**

In June 2005, the U.S. Supreme Court issued its opinion in this case, addressing whether the City of New London's proposal to use the power of eminent domain to acquire the property of unwilling property owners for a city development plan qualified as a "public use" within the meaning of the Takings Clause of the Fifth Amendment to the U.S. Constitution.

SJR E would amend the State Constitution to provide that the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenue would not be considered to be for public use.

- *Committee 1 (S-2) was defeated.*
- *Stamas 2 (S-3) was adopted.*
- *SJR E was moved to 3rd Reading.*
- **THOMAS (1 amend) was adopted [no RC]. If a person's property is seized, the government would have to pay at least 125% of the market value of the property.**
- **SJR E passed [RC 566: 35 yes, 3 no].**

SB 693 would prohibit the taking of private property for transfer to a private entity unless the proposed taking were for the eradication of blight, or the proposed use of the land were invested with public attributes sufficient to deem the entity's activity governmental.

- *Committee 1 (S-3) was defeated.*
- *Brown 2 (S-4) was adopted.*
- *BASHAM 2A (1 amend) was defeated.*
- *SB 693 was moved to 3rd Reading.*
- **SB 693 passed [RC 567: 36 yes, 2 no].**

SB 859 (Cassis)

SB 859 would allow a totally and permanently disabled sole beneficiary of a trust to receive a homestead or qualified agricultural property exemption if the trust purchased or acquired the property as a principal residence for the beneficiary.

Currently, Michigan residents who own their principal residence may claim a homestead exemption from the 18 mills typically levied by a local school district for school operating purposes. Some of the State's disabled residents, however, are not able to claim the homestead exemption because their principal residence is owned by a trust that was set up for their benefit. Such trusts are sometimes established to allow a trustee or trustees to

manage a disabled person's financial affairs when he or she is unable to do so. Some people believe that a permanently disabled individual in this situation should be eligible to receive the homestead exemption.

- *Committee 1 (S-1) was adopted.*
- *SB 859 was moved to 3rd Reading.*
- **SB 859 passed [RC 568: 38 yes, 0 no].**

HB 4001 (Caul)

HB 4002 (Moore)

Support: Department of Military and Veterans Affairs, American Legion, Veterans of Foreign Wars, Michigan Association of County Veterans Counselors, Military Order of the Purple Heart, Michigan Association of Counties -- The bills are necessary to ensure the continuation of the emergency assistance grants provided by the Michigan Veterans Trust Fund.

HB 4001 would repeal a tuition grant program for the children of certain veterans funded by the Michigan Veterans Trust Fund, and create a similar program to be administered by the Michigan Higher Education Assistance Authority.

- *Committee 1 (S-1) was defeated.*
- *Goschka 2 (S-2) was adopted.*
- *HB 4001 was moved to 3rd Reading.*
- **HB 4001 passed with IE [RC 570: 38 yes, 0 no].**

HB 4002 would delete four outdated sections in the Michigan Veterans Trust Fund Act.

- *HB 4002 was moved to 3rd Reading. No amendments.*
- **HB 4002 passed with IE [RC 571: 38 yes, 0 no].**

HB 4421 (Sheen)

HB 4421 would waive continuing education requirements for insurance agents who are unable to comply due to military service. The bill also would reduce the number of continuing education hours required over a two-year cycle from 30 to 24 and require that three of those hours be devoted to ethics.

- *Committee 1 (Amend) was adopted.*
- *HB 4421 was moved to 3rd Reading.*
- **HB 4421 passed with IE [RC 569: 38 yes, 0 no].**

HB 5091 (Caul)

HB 5091 would create a tax checkoff program beginning with the 2005 tax year to permit taxpayers to designate a contribution of \$2 or more to the Children of Veterans Tuition Program. The contribution would be subtracted from a taxpayer's refund or added to the taxpayer's tax liability.

- *Goschka 1 (S-2) was adopted.*
- *HB 5091 was moved to 3rd Reading.*
- **HB 5091 passed with IE [RC 572: 38 yes, 0 no].**

THIRD READING

SB 448 (Cropsey)

SB 448 would make various changes relating to the operation and administration of Michigan courts. The bill would: 1) Allow a plan of concurrent jurisdiction to provide that probate judges in certain counties would have the jurisdiction, powers, and duties of a district judge. 2) Revise the per-day salary of a retired judge assigned to active judicial service. 3) Change the effective date of a probate court district approved by the electors of certain counties.

- Committee 1 (1 amend) was adopted.
- Cropsey 2 (3 amends) was adopted.
- Cropsey 3 (2 amends) was defeated.
- Cropsey 4 (2 amends) was adopted.
- SB 448 was moved to 3rd Reading.

SB 624 (Toy)

SB 624 would designate: 1) US-24 in Wayne County the "10th Mountain Division Memorial Highway" and 2) M-3 in Macomb county as the "Ronald W. Wilson Memorial Highway."

- Sanborn 1 (3 amends) was adopted. Reagan amendment.
- SB 624 was moved to 3rd Reading.

SB 685-86 (Birkholz)

SB 685 would amend the sentencing guidelines to conform with provisions in SB 686 regarding trespassing upon premises or a structure belonging to another that is a key infrastructure if the key infrastructure is completely enclosed by a physical barrier of any kind. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500, or both.

- Committee 1 (S-1) was adopted.
- SB 685 was moved to 3rd Reading.

SB 686 would provide that a person shall not intentionally or without authority or permission enter or remain in or upon premises or a structure belonging to another that is a key infrastructure if the key infrastructure is completely enclosed by a physical barrier of any kind. The bill is necessary to deter trespassing and potential terrorist attacks on key infrastructures throughout the state. "Key Infrastructure" means 1 or more of the following: (a) a chemical manufacturing facility. (b) a refinery. (c) an electrical power generation or electrical distribution facility. (d) a water intake structure or water treatment facility. (e) a natural gas transmission compressor station. (f) gasoline, propane, liquid natural gas, or other fuel terminal or storage facility. (g) a transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. (h) a pulp or paper manufacturing facility. (i) a pharmaceutical manufacturing facility. (j) a hazardous waste storage, treatment, or disposal facility.

- Committee 1 (S-1) was defeated.
- Birkholz 2 (S-2) was adopted.
- SB 686 was moved to 3rd Reading.

HB 4325 (Mortimer)

HB 4325 would restrict the performance of needle electromyography (EMG) or the interpretation of nerve conduction tests to specially trained licensed physicians. According to physicians' societies, the practice of medicine continues to be eroded by attempts to expand the scope of practice of ancillary health care professions. Supporters of such efforts believe that allowing allied health professionals to perform procedures historically done only by physicians improves patient access and lowers health care costs. However, physicians believe that these efforts decrease the level of safety and quality of care. In the end, poor patient outcomes increase health care costs and spur malpractice actions.

Support: Michigan State Medical Society, Michigan Neurological Association and Henry Ford Hospital, Michigan Academy of Physical Medicine and Rehabilitation, American Academy of Neurology, American Association of Neuromuscular and Electrodiagnostic Medicine, Lansing Orthopedic PC, Michigan Chiropractic Society.

Oppose: Michigan Physical Therapy Association.

Neutral: Michigan Nurses Association, Michigan Department of Community Health.

- Committee 1 (S-1) was adopted [no RC].
- George/JACOBS 1A (1 amend) was adopted. This would grandfather in those who are already performing this test.
- Johnson 1B (2 amends) was defeated. This would allow physical therapists to perform these tests.
- HB 4325 was moved to 3rd Reading.

HB 4718 (GLEASON)

HB 4718 would name: 1) Highway M-54 in Genesee County from its intersection with I-75 north to its intersection with I-69 as the "UAW Sitdown Strike Memorial Highway;" and 2) Highway M-54 in Genesee County from its intersection with I-69 north to its intersection with M-57 the "Marine Corps League Memorial Highway."

- Committee 1 (S-2) was adopted.
- BASHAM 1A was adopted.
- Toy 1B was adopted. Tie-bar to SB 624.
- HB 4718 was moved to 3rd Reading.

HB 5297 (VAGNOZZI)

HB 5297 is part of a package that would allow local governments to apply for a grant to be used in developing the project plan needed to apply for a loan from water treatment funds.

- HB 5297 was moved to 3rd Reading. No amendments.

MESSAGES FROM THE GOVERNOR

Waterways Commission

- The Senate confirmed the appointment of Bryan Amann to the Waterways Commission [RC 564: 38 yes, 0 no].

- The Senate confirmed the appointment of Robert Brown to the Waterways Commission [RC 565: 38 yes, 0 no].